

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 22.11.2007

Coram:-

The Hon'ble Mr. Justice P.D.DINAKARAN
and
The Hon'ble Mr. Justice R.REGUPATHI

Writ Appeal No.2730 of 2003
and
W.A.M.P. No.4259 of 2003

1. Mariakon Nadachy

2. Thanja Bai

3. Kamalam

4. Glory Bai

... Appellants/Respondents 5 to 8

vs.

1. Lazar

2. Thanka Nadar

3. Paul Raj

4. John Rose

5. The Tamil Nadu Electricity Board,
Rep. by its Chairman, Anna Salai,
Chennai 600 002.

6. The Superintending Engineer,
Tamil Nadu Electricity Board,
Nagercoil, Kanyakumari Dist.

7. The Junior Engineer,
Distribution,
Tamil Nadu Electricity Board,
Killiyoor, Kanyakumari District.

8. Revenue Divisional Officer,
Padmanabhapuram at Thickalay,
Kanyakumari.

... Respondents/Petitioners 1 to 4,
Respondents 1 to 4.

Appeal under Clause 15 of the Letters Patent as against the order of the learned single Judge, dated 08.08.2003, made in W.P. No.46151 of 2002 filed under Article 226 of the constitution of India, for the issue of Writ of Mandamus, directing the respondents 1 to 4 to give electricity connection to the petitioners' houses, bearing Door No.9-38 and 9-40 of Killiyoor Town Panchayat in re-survey No.47/7 of Killiyoor Village, Vilavancode Taluk, Kanyakumari District, drawing electric lines along and doing all other necessary things in the pathway in the eastern portion of the said re-survey number.

For Appellants : Mr.C.V.Vijayakumar for T.R.Rajaraman
For R-1 to R-4 : Mr.B.K.Sreenivasan
For R-5 to R-7 : Mr.S.Kripanandam
For R-8 : Mrs.Lita Srinivasan,
Govt. Advocate.

J U D G M E N T

(Delivered by P.D.DINAKARAN, J.)

The above Writ Appeal is directed against the order of the learned single Judge dated 08.08.2003, passed in Writ Petition No.46151 of 2002, filed by respondents-1 to 4 for the issuance of a writ of mandamus directing the official respondents to give electricity connection to the writ petitioners' houses bearing Door No.9-38 and 9-40, Killiyoor Village, Vilavancode Taluk, Kanyakumari District, by drawing electric lines and doing all other necessary things in the pathway in the eastern portion of the said survey Number.

2. Learned single Judge, by order dated 08.08.2003, taking into consideration that civil litigation is pending between the writ petitioners and the contesting respondents, who are appellants in this Writ Appeal, disposed of the Writ Petition as here-under:-

" 3. Because of the pendency of the civil suit, the right of the petitioners to have power supply connection to their residence cannot be prevented. When the petitioners have some approach road to their place of residence, there should not be any impediment for the first respondent board to effect power supply to the petitioners' residence by taking a line through the passage which is used by the petitioners for reaching their residence. Therefore, the officials of the respondents 1 to 3 are directed to give necessary power supply connection on payment of the necessary charges by the petitioners to give necessary

electricity supply to the petitioners' residence within 15 days through the passage which is being used by them for reaching their residence.

4. This order is without prejudice to the rights of the petitioners as well as the respondents 5 to 8 as between whom the civil suit is pending on the file of the District Munsif Court, Kuzhithurai. "

3. Aggrieved by the said order, the contesting respondents in the Writ Petition have preferred the present Appeal. Whether there would be any impediment for the Electricity Board to effect power supply to respondents-1 to 4/writ petitioners' residence by taking line through the passage used by the appellants herein would be decided only in the pending Civil Suit, as rightly held by the learned single Judge. We do not see any justification to interfere with the order of the learned single Judge. Writ Appeal is dismissed as devoid of merits. No costs. Connected Miscellaneous Petition stands closed.

JI.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1. The Chairman, The Tamil Nadu Electricity Board,
Anna Salai, Chennai 600 002.
 2. The Superintending Engineer, Tamil Nadu Electricity Board,
Nagercoil, Kanyakumari Dist.
 3. The Junior Engineer, Distribution,
Tamil Nadu Electricity Board, Killiyoor, Kanyakumari Dt.
 4. Revenue Divisional Officer, Padmanabhapuram at Thickalay,
Kanyakumari.
- 1 cc to Mr.S.N.Kirubanandam, Advocate, SR.69898
1 cc to Mr.B.K.Sreenivasan, Advocate, SR.69406

bs (co)

dv/12.12.

W.A. No.2730 of 2003 and
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